IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: John N. HATLEBERG	Confirmation No. 4007
Application No: 10/679,292	Group Art Unit: 3643
Filing Date: October 7, 2003	Examiner: Stuart L. Hendrickson
For: SYNTHETIC DIAMONDS PREPARED FROM ROSES	Atty. Docket No.: 81715-100

RULE 132 DECLARATION

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Commissioner for Patents
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Sir:

I, Alex Grizenko, hereby declare as follows:

1. I am a citizen of Canada, US permanent resident, residing at 610 Lindsey Road, Golden, Colorado 80401, U.S.A. I wish to submit information in support of the patentability of the claims of this application.

2. I began experimenting in the field of synthetic diamonds in 1993, when I met several diamond scientists in Moscow and Novosibirsk, Russia. As president of several companies (Russian Colored Stone Company, Ultimate Created Diamonds, and since 2000 Lucent Diamonds), I was involved in every step of commercially introducing laboratory grown diamonds to the US marketplace in 1995. We have continued to perfect growth size, clarity and colors until the present day. During the first 6 years we received extensive trade media coverage at each introduction of a major new diamond fancy color. Over the years I have also been featured as an expert on synthetic diamonds on a NOVA production entitled "The Diamond Deception (2000), two BBC Horizon science programs entitle "The Diamond Makers Part 1 and 2", and several German and Russian science and news programs. My

company was also the original production facility for "LifeGem Memorial Diamonds, (lifegem.com)" until 2004.

For the past 14 years I have worked with some of the world's most brilliant diamond scientists, have learned the techniques of synthetic diamond growth, and have experienced a market's growing interest in synthetic diamonds. My formal academic experience includes a Bachelors of Science from McGill University, a Masters of Business Administration with a focus on Health Care from Duke University, and teaching experience at McMaster University and Rush University.

Our laboratory's work in growing diamonds as well as color enhancing natural origin diamonds has been a particular fascination with the diamond, gem and jewelry trade, and I have given over thirty lectures at: Gemological Institute of America (GIA) sponsored symposiums; Accredited Gemologist Association (AGA) meetings; and many gemological alumni association gatherings around the world. I have recently co-authored two papers on diamond enhancement models and diamond fancy color classification for at the GIA Research Conference of the 2006 GIA Symposium, and I have just accepted an invitation to address the European gemologists at the prestigious HRD Research Conference held in Antwerp, October 2007. I am currently the CEO of Lucent Diamonds and I oversee all phases of diamond product development, manufacture, marketing and sales. Many industry leaders have long presented me at trade functions as one of the few leaders in the field of synthetic diamonds

3. I am familiar with this patent application and the inventions disclosed therein, as well as with the final office action dated March 20, 2007, and understand that the claims have been rejected over US patent publication No. 2003/0017932 to VanderBeisen et al. (referred to hereafter as "VanderBeisen") and US patent No. 6,030,596 to Vilella Jirau (referred to hereafter as "Vilella Jirau"). I am making these statements to submit the views of a skilled artisan.

4. I have been a manufacturer of synthetic diamonds since 1994. Within that timeframe the quality of synthetic diamonds as regards size, color and clarity has improved significantly. Now that there is a beautiful product available to consumers, however, there has been and still is a stigma to purchase them. The public generally connotes the term

"synthetic" to mean fake or to be cubic zirconium. Thus, there is a need for raising the status of synthetic diamonds so that they will become accepted by consumers with more of them being sold.

5. I never considered the potential of using an organic plant material such as roses as a starting material to create diamonds. To my knowledge, such a material has never been used. What the inventor, John Hatleberg, has accomplished with this invention is to shift the onus of diamonds that are made from man into an attribute. It adds the missing link of the romance of diamonds to synthetic diamonds. Unlike other synthetic diamond producers he broadcasts that he is creating, not mining, diamonds. Only in this manner is it possible to have diamonds from roses. As noted, I have never seen this done before and believe that it represents a true improvement over the art in that it unexpectedly raises the level of consumer acceptance of such products.

6. The present inventor combines the symbolism of giving roses as a gift to symbolize love to giving diamonds to symbolize love. With this combination rose diamonds have the potential to be viewed as the most romantic diamonds in the world. This is true compared to both other synthetic diamonds and natural diamonds. In my view this is a significant and exciting accomplishment that will benefit both the consumers of such synthetic diamonds as well as the manufacturers.

7. VanderBeisen discloses a novel synthetic gem comprising elements recovered from complete or partial human or animal remains. The invention also includes the process of manufacturing synthetic gems comprising carbon from a vertebrate by cremating human or animal remains to produce carbon in a particulate and gaseous form. The carbon is then filtered using a conventional filtering technique. The carbon and other elements are then purified and graphitized using a Halogen Purification technique. The gems are then created using conventional sublimation techniques. The synthetic gems may be faceted and polished utilizing conventional faceting and polishing techniques. The gems may also utilize a conventional marking system. This patent is also not relevant to the present claims because it certainly does not enhance the perception of synthetic diamonds as does the present invention.

There is absolutely no connection between the use of such material to represent a gift nor is there any link between the starting material and the final diamond (i.e., temporal and permanent gifts). In contrast, the present invention has this link or connection between the concept of selecting a gift of flowers or other organic plant material and then converting the flowers into a diamond so that the gift is permanent. Certainly, cremated animal or human remains are not gifts, nor are they organic plant material as claimed.

8. Vilella Jirau discloses a method for making diamonds by heating a heterogeneous dispersion of carbon made by pyrolysis of organic material and copper metal in a convenient pressure vessel while maintained at a pressure of 100,000 psi. It is disclosed that the copper content of the reacting mass should be maintained within 15% of the total for best results. This patent is also not relevant to the present invention or its claims. Vilella Jirau simply relates to a method for synthesizing diamonds from carbon by utilizing copper as the solvent and carbon produced by the pyrolysis of an organic compound, such as a carbohydrate like household sugar, as the solute. Under laboratory conditions, in an assemblage where one of the parameters is an applied pressure of 100,000 pounds per square inch, copper behaves like a solvent which favors the crystallization of carbon into the cubic system well under the parameters of heat, pressure and time established by other patented processes or thermodynamic considerations. Like the present invention, this patent utilizes known process technology to manufacture synthetic diamonds, but uses sugar and copper to facilitate such manufacture. Vilella Jirau is not making gem quality synthetic diamonds for jewelry applications, but instead is creating industrial diamonds which are not of high clarity or beauty. The only similarity to the present invention is that carbon is pyrolyzed to form a carbon source that can then be made into a synthetic diamond. This patent does not recognize the symbolism of making a temporal gift permanent, and for that reason does not use a starting material that is a gift or that would be considered as a gift that manifests the feeling of the giver towards the recipient.

9. The Examiner also believes that the inventor's alleged admissions suggest that the invention is unpatentable. I disagree with this statement. While it is true that the basic knowledge for making synthetic diamonds from graphitized material exists, there is no

making gem quality synthetic diamonds that embody the gift and that have a color that represents to color of the gift. This can be achieved by adding trace elements or dopants to the graphite powder of the organic plant material or by interference of the crystal lattice. This enables the synthetic diamond to be formed with a color that is the same as that of the flowers that were given as a gift. This creates a connection and more complete remembrance of the gift by the recipient. Thus, the symbolism of a red diamond as representing a gift of red roses creates further importance and significance to the diamond. I have never seen this connection prior to becoming aware of the present invention.

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and any patent issuing thereon.

Signed this 17th day of July 2007.

Alex Grizenko